

**THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD
MONDAY, MARCH 10, 2003 AT 1:30 P.M.**

The Meeting was called to order at 1:30 p.m. Present: Council Chairperson Cook; Council Members: Camp, Friendt, McRoy, Seng, Svoboda, Werner, Joan Ross, City Clerk.

Council Chair asked all present to stand and recite the Pledge of Allegiance and reflect for a moment of silent meditation.

READING OF THE MINUTES

WERNER Having been appointed to read the minutes of the City Council proceedings of March 3, 2003, reported having done so, found same correct.

Seconded by Camp & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

MAYOR'S AWARD OF EXCELLENCE

For the month of February, 2003, Mayor Don Wesely presented the Mayor's Award of Excellence to Thurman Hoskins, Jr. from the Health Dept. for the category of customer relations.

PUBLIC HEARING

APPLICATION OF GAS 'N SHOP INC. DBA "GAS 'N SHOP" FOR A CLASS "B" LIQUOR LICENSE AT 4335 N. 70TH STREET;
MANAGER APPLICATION OF CONNIE L. HYNEK FOR GAS 'N SHOP INC. DBA "GAS 'N SHOP" AT 4335 N. 70TH STREET;
APPLICATION OF GAS 'N SHOP INC. DBA "GAS 'N SHOP" FOR A CLASS "B" LIQUOR LICENSE AT 2243 N. COTNER BLVD.;
MANAGER APPLICATION OF CONNIE L. HYNEK FOR GAS 'N SHOP INC. DBA "GAS 'N SHOP" AT 2243 N. COTNER BLVD. - Connie L. Hynek, 4107 R Rd., Talmadge, NE, came forward, took the oath and was available for question posed by Council. Councilman Werner asked Ms. Hynek if she would only be responsible for these two stores and would she potentially be managing more in the future.

This matter was taken under advisement.

APPLICATION OF YANKEE HILL DEVELOPMENT L.L.C. DBA YANKEE HILL COUNTRY CLUB FOR A CLASS C WITH CATERING LIQUOR LICENSE AT 7600 SAN MATEO LANE;
MANAGER APPLICATION OF BRYAN ALLEN CEDERBURG FOR YANKEE HILL DEVELOPMENT L.L.C. DBA YANKEE HILL COUNTRY CLUB AT 7600 SAN MATEO LANE - Mark Hunzeker, 530 S. 13th St., Suite B, representing Yankee Hill Development L.L.C. came forward to take the oath and answer questions. Councilwoman McRoy asked if Mr. Cederburg wanted to come to testify. Mr. Hunzeker stated he believe Mr. Cederburg thought the hearing was for next week, but could have been confused because of the County Board hearing date as well.

This matter was taken under advisement.

APPROVING A TRANSFER OF UNSPENT AND UNENCUMBERED APPROPRIATIONS AND CASH BETWEEN CERTAIN CAPITAL IMPROVEMENTS PROJECTS WITHIN THE WATER CONSTRUCTION FUND AND STREET CONSTRUCTION FUND WITHIN THE PUBLIC WORKS & UTILITIES DEPARTMENT - Margaret Remmenga, Business Office Manager of Public Works & Utilities Dept. came forward to explain this ordinance to Council.

Mike Morosin, 2055 "S" St., came forward to ask if any of these projects were associated with Antelope Valley. Ms. Remmenga stated that neither of these were associated.

This matter was taken under advisement.

AMENDING CHAPTER 8.32 OF THE LINCOLN MUNICIPAL CODE TO ESTABLISH AN OCCUPATION TAX OF \$7.00 PER TON ON REFUSE AND SPECIAL WASTE COLLECTED WITHIN THE

CITY AND \$7.00 PER TON OCCUPATION TAX ON REFUSE AND SPECIAL WASTE COLLECTED OUTSIDE THE CORPORATE LIMITS OF THE CITY AND WITHIN LANCASTER COUNTY THAT IS DEPOSITED IN THE CITY'S SANITARY LANDFILL;
AMENDING RESOLUTION NO. A-79667 TO REDUCE THE LANDFILL TIPPING FEE FOR REFUSE AND SPECIAL WASTES CHARGED AT THE BLUFF ROAD LANDFILL FROM \$17.00 PER TON TO \$10.00 PER TON; TO REDUCE THE CUBIC YARD FEES IN THE SAME PROPORTION AND TO CHANGE MINIMUM FEES CHARGED AT THE BLUFF ROAD LANDFILL, AS A RESULT OF IMPLEMENTING AN OCCUPATION TAX TO FUND THE CITY'S VARIOUS INTEGRATED SOLID WASTE PROGRAMS - Steve Masters, Public Utilities Administrator, came forward to explain the change in taxes and the revenue for the collateral waste programs related to it.

Jake Harder, 711 Hazelwood Drive, President of Solid Waste Association, came forward in favor. Councilwoman McRoy asked if this new tax would impact the customers on their bills. Mr. Harder indicated it would not.

Steve Hatton, 7400 Stevens Ridge Road, came forward in favor.

Bill Austin, 301 S. 13th St., Suite 400, representing the Lincoln Solid Waste Association, came forward in favor.

Mike Foster, 3232 R Street, General Manager of Midland Recycling came forward in favor.

Phil Revard, Regional Vice President for Waste Connections based out of Denver, CO, came forward in opposition. He stated that his company was the only one that didn't use the Bluff Road landfill. Councilman Werner asked Mr. Revard if his company was profitable and where the headquarters were located. Mr. Revard stated they are based out of Folsom, California and they have a total of 38 employees here in the Lincoln area.

Bob Valentine, 2660 Park Ave., came forward in opposition. He asked if his rates would be going up. Council Chair Cook advise Mr. Valentine that the Council does not set the rates. Councilwoman McRoy stated that she had already been advised that there wouldn't be an increase in rates.

Mr. Masters returned for rebuttal. The intent of the garbage haulers is to not have the creation of an occupation tax have any effect in changing their rates. In answer to a question posed earlier, there is an annual audit on the landfill operation.

Councilman Werner asked at pre-council how much the recycling programs saved in years at the landfill and in the last decade the report was to have saved 2.87 years due to the recycling.

Gene Hanlon, Recycling Coordinator for the City, came forward and stated the annual operating costs for the disposal in the landfill is a little over \$2M.

Councilman Friendt asked about Mr. Revard's comment regarding operating funds being in the hole and last year we had a surplus. Mr. Hanlon stated they have looked at cash flows and expenses and we see a need for the program that is being presented. Councilman Friendt asked about the planned closing of a landfills. Mr. Hanlon responded that closure costs are part of that operation on North 48th Street location and are factored into the \$10 per ton tipping fee.

Councilwoman McRoy asked about the outstanding contracts for Mr. Revard. Mr. Masters advised that this contract was with City Parks and the Purchasing Agent would be the best one to answer that question.

Councilman Camp asked about the potential increases in those fee levels that are split between the \$7.00 and \$10.00. Mr. Masters stated they believe a the proposed fees will stand on their own for some time.

Councilman Svoboda stated he expressed concerns about the need for the 48th Street Transfer station being lumped into this set of programs. He stated he was in support of the occupation tax. He asked what the split would be between the tipping fee and the occupation tax if the landfill or transfer station were within the general fund of the landfill operations and not in this particular program. Mr. Masters could quote the cost of the operational transfer station is. There is not an adequate dollar amount generated from dollars collected from users of the transfer site to operate that facility. Previously Public Works tried to bring forward fee increases to make the transfer station more self-supporting and the response from the public was "we don't want to see that happen". He felt that the fees were at an adequate level.

Council Chair Cook reminded everyone that the Council does not have the power to set the fees that the haulers charge. Mr. Masters affirmed that.

This matter was taken under advisement.

CHANGE OF ZONE 3393 - APPLICATION OF B&J PARTNERSHIP FOR A CHANGE OF ZONE FROM I-1 INDUSTRIAL DISTRICT TO B-3 COMMERCIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT 1019 NORTH 27TH STREET - Kent Seacrest, Seacrest & Kalkowski, 1111 Lincoln Mall, Suite 350, representing B & J Partnership came forward in favor of this item.

This matter was taken under advisement.

AUTHORIZING NADER SEPAHPUR DBA OSOBURRITO TO OCCUPY A PORTION OF THE PUBLIC RIGHT-OF-WAY AT 1451 O STREET FOR USE AS A SIDEWALK CAFÉ - Nader Sepahpur, (no address given), came forward to further discuss the agreements that have been made in the amendments presented.

Councilman Camp asked if Mr. Sepahpur still plans to use a removable fence and furniture. He affirmed he was willing to do this each evening and was willing to cooperate with the Police Dept. when there are big events in the downtown area.

Polly McMullen, Downtown Lincoln Association, came forward in favor. She suggested it may be time to review the sidewalk café policies and make some changes.

Councilman Svoboda asked Ms. McMullen if people who express interest in the downtown area feel like the City of Lincoln doesn't treat everybody fairly. Ms. McMullen stated she felt that they are treated fairly but the processes are more cumbersome than other downtowns may have. She feels that are many steps and departments to go through to get approval.

This matter was taken under advisement.

SPECIAL PERMIT 1971 - APPLICATION OF VALCOM WIRELESS CORP. TO INSTALL A 143' WIRELESS COMMUNICATIONS FACILITY WITH FIVE CARRIERS, WITH WAIVERS OF THE FALL ZONE AND LANDSCAPING, ON PROPERTY GENERALLY LOCATED SOUTHWEST OF THE INTERSECTION OF HAVELOCK AVE. AND CORNHUSKER HWY. - Terry Johnson, representing VALCOM Wireless Corp. came forward to review the potential landscaping he intends to put into place. He showed photos of various other locations in Lincoln where trees were not thriving, after having been planted as screening.

Craig Groat, 4935 Huntington St., came forward in opposition. He suggested that VALCOM should be required to plant more than one tree.

Mike Morosin, 2055 "S" St., came forward and suggested that letters need to be sent to those tower owners who have not kept up their end of the contract with the landscape screening.

Ed Patterson, Malone Neighborhood Association, came forward and suggested another possible landscaping screen done with fencing.

Council Chair Cook asked Ray Hill of the Planning Dept. how the city could enforce these previous Special Permits. Mr. Hill suggested it would be done by Building and Safety inspectors and then a show/cause hearing could be held if necessary. The inspectors go out on calls, based on complaints they receive. Chairman Cook asked Mr. Hill if we wanted to approve this, but require landscaping, what type of amendment would be needed. Mr. Hill stated you could use his testimony given and he would be required to submit a landscape plan to Planning Dept. for approval.

Dana Roper, City Attorney, came forward to offer suggestions on how to amend this special permit to provide for the landscaping.

Councilman Camp commented that we need to look at the northeast entryway corridor of Lincoln and consider improving specific areas.

Discussion ensued among Council members and staff.

Councilwoman Seng stated that Mr. Fortenberry (a previous Council member) was looking for a model that could be applied to the entryways. Mr. Hill affirmed that a study was done.

Councilman Werner wanted a clarification that it is the responsibility of the tower owner to maintain the trees. Mr. Hill stated he wasn't sure if it was the land owner or the cell tower owner.

Mr. Johnson returned for rebuttal.

This matter was taken under advisement.

SPECIAL PERMIT NO. 2000 - APPLICATION OF JANET CROSBY FOR AUTHORITY TO SELL ALCOHOLIC BEVERAGES FOR CONSUMPTION ON THE PREMISES, INCLUDING A REQUEST TO WAIVE THE PARKING LOT PAVING REQUIREMENTS, ON PROPERTY GENERALLY LOCATED AT 3235 NORTH 35TH STREET - Janet Crosby, 5014 Valley Forge Road, came forward in favor of this item.

Councilman Werner asked if she planned to pave the parking lot in a couple of years. Ms. Crosby stated she has plans to do it in the

future.

Councilman Friendt asked how long she had owned this property. Ms. Crosby replied she just purchased the property last November.

This matter was taken under advisement.

SPECIAL PERMIT NO. 2001 - APPLICATION OF FB NORTHSTAR, L.L.C. FOR AUTHORITY TO SELL ALCOHOLIC BEVERAGES FOR CONSUMPTION OFF THE PREMISES ON PROPERTY GENERALLY LOCATED EAST OF THE INTERSECTION OF NORTH 33RD STREET AND NORTH 33RD CIRCLE - Chuck Salem, 2825 Stratford Ave., came forward in favor of this special permit.

This matter was taken under advisement.

3:25 P.M. BREAK

3:40 P.M. RECONVENE

AUTHORIZING APPROVAL OF A REDEVELOPMENT AGREEMENT UNDER THE NEBRASKA COMMUNITY DEVELOPMENT LAW FOR A DOWNTOWN ENTERTAINMENT CENTER ON A PORTION OF THE CITY BLOCK FROM 11TH TO 12TH AND O TO P STREETS; AUTHORIZING ACQUISITION OF THE NECESSARY PROPERTY FOR THE PROJECT, INCLUDING CONDEMNATION IF NECESSARY; AND APPROVING A TRANSFER OF FUNDS FOR THE RE-ALIGNMENT OF 12TH STREET FROM O TO N STREETS FROM DOWNTOWN REDEVELOPMENT FUND 425 TO STREET CONSTRUCTION FUND PROJECT NO. 541002 - Dallas McGee, Urban Development, came forward to explain the funding involved with this project.

Joel Pederson, City Attorney's Office, came forward to explain the agreements that requires the investment of the developer first before the Tax Increment Financing funds are available.

David Livingston, President of Douglas Theatre Company, came forward to explain the layout of the 14 auditorium complex and what would be offered to the public in their new facility. One of the theater rooms will be available for birthday parties or for corporations to use with e-ready, video and audio capacity for potential corporate conventions.

Councilman Camp if there were any future considerations for tying into the skywalk systems. Mr. Livingston stated he would welcome the opportunity.

Councilman Svoboda asked for comments on the game room. Mr. Livingston stated there will be administration of the game room and it will be in a visible area.

Council Chair Cook asked about the number of seats available and if digital projection would be included. Mr. Livingston stated it will be the largest theater in terms of aggregate and a total of 456 seats. He said the theater will be built to handle digital equipment, however the industry is not there yet.

Linda Green, General Manager of Embassy Suites, came forward in favor.

Bill Crawford, 105 N. 8th, came forward in favor.

Mike Morosin, 2055 "S" Street, came forward in favor.

Ed Patterson, Malone Neighborhood Association, came forward in favor.

Bob Valentine, 2660 Park Ave., came forward in opposition.

Mike Grieger, 2645 Van Dorn Street, came forward in opposition.

Joel Pedersen, returned for rebuttal stating that there is no money for this project without the redeveloper investments. A public bidding process for this project took place. The tax increment financing itself is authorized by law. We are trying to marry a project that has public improvement and redevelopment goals with private redevelopment. In addition to having an entertainment center, we are removing blight in concert with a redevelopment plan that the City Council has approved. In response to Mr. Grieger's question about his building, it does not fall in the Old Federal/Entertainment Center District. Also we are not taking this property off the tax roles.

Discussion ensued among Council members and staff.

David Livingston returned for rebuttal and to answer questions. The new theater will offer between 2,800 and 3,200 seats. Parking is a huge concern for us and we will use the Energy Square Parking facility. We offer customers reduced price tickets when they present parking tickets from any garage. There are plans to expand the food served as well. The first movies to be shown in the new theaters could be as early as May, 2004.

This matter was taken under advisement.

CHANGE OF ZONE 3386 - APPLICATION OF GARY AND CAROLYN CHRISTENSEN AND DELISI BROTHERS, INC. FOR A CHANGE OF ZONE FROM H-3 HIGHWAY COMMERCIAL TO I-1 INDUSTRIAL ON PROPERTY GENERALLY LOCATED SOUTHWEST OF S. CODDINGTON AVE. AND W. O STREET;

ACCEPTING AND APPROVING THE PRELIMINARY PLAT OF G & C ADDITION FOR 15 LOTS AND 1 OUTLOT, WITH WAIVERS OF THE REQUIRED STREET FRONTAGE, STREET PAVING, CURB AND GUTTER, SIDEWALKS, STREET TREES, AND TURNAROUND AT DEAD-END STREETS, ON PROPERTY GENERALLY LOCATED SOUTHWEST OF S. CODDINGTON AVE. AND W. O STREET - Mark Hunzeker, 530 S. 13th St., Suite B, representing Gary and Carolyn Christensen, came forward to explain this Change of Zone and preliminary plat. There are several items in the preliminary plat which his clients would like amended, such as the street frontage, street paving, sidewalks, street trees and the turnaround at dead-end.

Ed Patterson, 2108 "Q" Street, came forward in opposition.

Mike Morosin, 2055 "S" St., came forward in opposition.

Craig Groat, 4935 Huntington St., came forward in opposition.

Councilman Werner asked Nicole Fleck-Tooze of Public Works & Utilities if SW 20th and M Street had just been before Council. Ms. Fleck-Tooze advised that the Council had denied the waiver request for the subdivision to the South. We are trying to look at the improvements that are needed along South Coddington with each of the plats in an effort to get the urban standard that we would have with any other new subdivision. Public works is requesting that sidewalk be constructed along the subdivision and to pave the entire street with curb and gutter.

Councilman Friendt asked if this requirement holds the development hostage, since they don't control whether that vacation of "N" Street. Ms. Fleck-Tooze responded that the requirement of the subdivision ordinance to provide a turn-around does not hold them hostage at all. They have chosen to take an alternative route which requires them to go through a process of getting petitions.

Mr. Hunzeker returned for rebuttal. He explained that if we don't connect to "N" Street, that there be some sort of permanent turn around constructed in "N" Street. "N" Street has never been built in this area. We ask that you not condition this final plat on the condition of "N" Street.

Discussion ensued among Council members and staff.

This matter was taken under advisement.

MISCELLANEOUS BUSINESS

Bob Hampton, Hampton Development Co., came forward to express his dissatisfaction regarding Council delaying action further on his projects.

Ed Patterson, 2108 "Q" Street, came forward to speak about the editorials in the Lincoln Journal Star regarding rights of people to smoke in public areas. He submitted copies for the file. (53)

Craig Groat, 4935 Huntington Street, came forward to address the situation regarding sidewalk repair in the City of Lincoln.

These matters were taken under advisement.

**** END OF PUBLIC HEARING ****

COUNCIL ACTION

LIQUOR RESOLUTIONS

APPLICATION OF GAS 'N SHOP INC. DBA "GAS 'N SHOP" FOR A CLASS "B" LIQUOR LICENSE AT 4335 N. 70TH STREET - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption for approval:

A-81972 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the

pertinent City ordinances, the City Council recommends that the application of Gas 'N Shop Inc. dba "Gas 'N Shop" for a Class "B" liquor license at 4335 N. 70th Street, Lincoln, Nebraska, for the license period ending April 30, 2003, be approved with the condition that the premise complies in every respect with all city and state regulations. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Ken Svoboda

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda; NAYS: None; ABSENT: Werner.

MANAGER APPLICATION OF CONNIE L. HYNEK FOR GAS 'N SHOP INC. DBA "GAS 'N SHOP" AT 4335 N. 70TH STREET - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption for approval:

A-81973 WHEREAS, Gas 'N Shop, Inc. dba "Gas 'N Shop" located at 4335 N. 70th Street, Lincoln, Nebraska has been approved for a Retail Class "B" liquor license, and now requests that Connie L. Hynek be named manager; WHEREAS, Connie L. Hynek appears to be a fit and proper person to manage said business.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that Connie L. Hynek be approved as manager of this business for said licensee. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Ken Svoboda

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda; NAYS: None; ABSENT: Werner.

APPLICATION OF GAS 'N SHOP INC. DBA "GAS 'N SHOP" FOR A CLASS "B" LIQUOR LICENSE AT 2243 N. COTNER BLVD. - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption for approval:

A-81974 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that the application of Gas 'N Shop Inc. dba "Gas 'N Shop" for a Class "B" liquor license at 2243 N. Cotner Blvd., Lincoln, Nebraska, for the license period ending April 30, 2003, be approved with the condition that the premise complies in every respect with all city and state regulations. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Ken Svoboda

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda; NAYS: Werner.

MANAGER APPLICATION OF CONNIE L. HYNEK FOR GAS 'N SHOP INC. DBA "GAS 'N SHOP" AT 2243 N. COTNER BLVD. - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption for approval:

A-81975 WHEREAS, Gas 'N Shop, Inc. dba "Gas 'N Shop" located at 2243 N. Cotner Blvd., Lincoln, Nebraska has been approved for a Retail Class "B" liquor license, and now requests that Connie L. Hynek be named manager; WHEREAS, Connie L. Hynek appears to be a fit and proper person to manage said business.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that Connie L. Hynek be approved as manager of this business for said licensee. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Ken Svoboda

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda; NAYS: Werner.

APPLICATION OF YANKEE HILL DEVELOPMENT L.L.C. DBA YANKEE HILL COUNTRY CLUB FOR A CLASS C WITH CATERING LIQUOR LICENSE AT 7600 SAN MATEO LANE - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption for approval:

A-81976 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that the application of Yankee Hill Development L.L.C. dba "Yankee Hill Country Club" for a Class "C" with catering liquor license at 7600 San Mateo Lane, Lincoln, Nebraska, for the license period ending October 31, 2003, be approved with the condition that the premise complies in every respect with all city and state regulations. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Ken Svoboda

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

MANAGER APPLICATION OF BRYAN ALLEN CEDERBURG FOR YANKEE HILL DEVELOPMENT L.L.C. DBA YANKEE HILL COUNTRY CLUB AT 7600 SAN MATEO LANE - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption for approval:

A-81977 WHEREAS, Yankee Hill Development L.L.C. dba "Yankee Hill Country Club" located at 7600 San Mateo Lane, Lincoln, Nebraska has been approved for a Retail Class "C" with catering liquor license, and now requests that Bryan Allen Cederburg be named manager;

WHEREAS, Bryan Allen Cederburg appears to be a fit and proper person to manage said business.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that Bryan Allen Cederburg be approved as manager of this business for said licensee. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Ken Svoboda

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

APPLICATION OF ALFREDO BARRERA DBA "AY CHIHUAHUA" FOR A CLASS "C" LIQUOR LICENSE AT 2050 CORNHUSKER HIGHWAY - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption for approval:

A-81978 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that the application of Alfredo Barrera dba "Ay Chihuahua" for a Class "C" liquor license at 2050 Cornhusker Highway, Lincoln, Nebraska, for the license period ending October 31, 2003, be approved with the condition that the premise complies in every respect with all city and state regulations. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Ken Svoboda

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

ORDINANCES - 2ND READING

APPROVING A TRANSFER OF UNSPENT AND UNENCUMBERED APPROPRIATIONS AND CASH BETWEEN CERTAIN CAPITAL IMPROVEMENTS PROJECTS WITHIN THE WATER CONSTRUCTION FUND AND STREET CONSTRUCTION FUND WITHIN THE PUBLIC WORKS & UTILITIES DEPARTMENT - CLERK read an ordinance, introduced by Annette McRoy, approving the transfer of unspent and unencumbered appropriations and cash (if any) between certain improvement projects within the Water Construction Fund and Street Construction Fund, the second time.

AMENDING CHAPTER 8.32 OF THE LINCOLN MUNICIPAL CODE TO ESTABLISH AN OCCUPATION TAX OF \$7.00 PER TON ON REFUSE AND SPECIAL WASTE COLLECTED WITHIN THE CITY AND \$7.00 PER TON OCCUPATION TAX ON REFUSE AND SPECIAL WASTE COLLECTED OUTSIDE THE CORPORATE LIMITS OF THE CITY AND WITHIN LANCASTER COUNTY THAT IS DEPOSITED IN THE CITY'S SANITARY LANDFILL - CLERK read an

ordinance, introduced by Annette McRoy, amending Chapter 8.32 of the Lincoln Municipal Code relating to solid wastes by amending Section 8.32.010 to amend the definition of "refuse" to include building rubbish and demolition debris and to add a definition of "refuse hauler"; amending Section 8.32.060 to delete the reference to "construction rubble" and to insert in lieu thereof references to "building rubbish" and "demolition debris"; amending Section 8.32.100 to limit the use to which landfill fees may be devoted; amending Section 8.32.110 relating to refuse haulers to provide exceptions to the licensing requirement; amending Section 8.32.150 relating to occupation taxes by eliminating the annual occupation tax of \$100 and providing for an occupation tax of \$7.00 per ton on all refuse collected within the corporate limits of the city or any other refuse deposited at the public sanitary landfills, requiring quarterly reports on tonnage collected, directing that all refuse vehicles be weighed at the public sanitary landfill at 56th Street and Bluff Road or at such other scales approved by the Director of Public Works and Utilities; repealing Section 8.32.170 regarding revocation of and suspension of licenses; amending Section 8.32.330 to eliminate appeal provisions and provide for immediate suspension of limited landfill permits when health hazards exist; amending Section 8.32.340 to revise the appeal procedure for persons aggrieved by the suspension, revocation, or denial of a license or permit under Chapter 8.32; repealing Section 8.32.350 regarding the appeal procedure; and repealing Sections 8.32.010, 8.32.060, 8.32.100, 8.32.110, 8.32.150, 8.3.330, and 8.32.340 of the Lincoln Municipal Code as hitherto existing; and providing an operative date of June 1, 2003, the second time.

CHANGE OF ZONE 3393 - APPLICATION OF B&J PARTNERSHIP FOR A CHANGE OF ZONE FROM I-1 INDUSTRIAL DISTRICT TO B-3 COMMERCIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT 1019 NORTH 27TH STREET - CLERK read an ordinance, introduced by Annette McRoy, amending the Lincoln Zoning District Maps attached to and made a part of Title 27 of the Lincoln Municipal code, as provided by Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the City Council of the City of Lincoln, Nebraska, the second time.

RESOLUTIONS

AUTHORIZING NADER SEPAHPUR DBA OSOBURRITO TO OCCUPY A PORTION OF THE PUBLIC RIGHT-OF-WAY AT 1451 O STREET FOR USE AS A SIDEWALK CAFÉ - PRIOR to reading:

WERNER Moved to amend Bill No. 03R-47 in the following manner:

- (a) On page 1, beginning on line 24, delete the sentence "In addition, the Permittee must remove the fencing, all tables, chairs or other items for the café by 100:00 p.m. on each Thursday, Friday, and Saturday."
- (b) On page 2, line 26, between the words "pedestrian" and "vehicular" insert the word or.
- (c) On page 2, strike all of paragraph number 9.
- (d) Renumber the subsequent paragraphs accordingly.

Seconded by Seng & carried by the following vote: AYES: Camp, McRoy, Svoboda, Werner; NAYS: Cook, Friendt, Seng.

CLERK Read the following resolution, introduced by Annette McRoy, who moved its adoption as amended:

A-81979 WHEREAS, Nader Sepahpur dba "Osoburrito" has submitted an application for a Sidewalk Café Permit to use a portion of the public right-of-way at the at 1451 O Street as a sidewalk café; and

WHEREAS, the applicant is willing to comply with all of the provisions of Chapter 14.50 of the Lincoln Municipal Code pertaining to such use; and

WHEREAS, the application has been reviewed by the Planning Department, the Public Works and Utilities Department, and the Urban Design Committee, each of which has submitted a report in conformance with § 14.50.050 of the Lincoln Municipal Code.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the application of Nader Sepahpur dba "Osoburrito", hereinafter referred to as "Permittee", to operate a sidewalk café in a portion of the public right-of-way at the 1451 O Street is hereby

approved conditioned upon such use conforming to the application which is attached hereto as Exhibit "A", the site plan which is attached hereto as Exhibit "B", the provisions of Chapter 14.50 of the Lincoln Municipal Code and the following express terms, conditions, and requirements:

1. This permit authorizes a maximum seating capacity of 32 within the permit area as shown on the site plan.

2. Permittee shall maintain a clear, unobstructed passageway entirely across the frontage of the property occupied by the Permittee parallel to the line of the street and generally in the line of pedestrian traffic as shown on the site plan.

3. The permit area shall be separated from the pedestrian passageway with a fence or other rigid barrier having a minimum height of 36" but not greater than 60" except for necessary pedestrian ingress and egress as shown in the application. ~~In addition, the Permittee must remove the fencing, all tables, chairs or other items for the café by 10:00 p.m. on each Thursday, Friday, and Saturday.~~

4. The space to be occupied by this use shall only be used for the activity or activities specified on the permit and in accordance with all applicable regulations.

5. Such use is temporary and the Permittee, by the granting of this permit, acquires no right, title, or interest in the space permitted to be used.

6. The City Council may require such space to be vacated, restored to its prior condition upon demand, and its use discontinued, with no recourse against the City for any loss or damage occasioned thereby. If any such space is not vacated and restored to its prior condition and such use not discontinued by the time specified, the City may remove from such space any property left thereon at the risk and expense of the Permittee and restore such space to its prior condition at the expense of the Permittee.

7. The Permittee shall promptly remove any litter deposited on or in the vicinity of the space used by the Permittee resulting from the activity or activities conducted by the Permittee.

8. The Permittee shall at all times conduct their use of the space in an orderly fashion and in such a manner as to protect the public health and safety.

~~9. Such space shall be used for business purposes by Permittee only between the hours of 11:00 a.m. to 11:00 p.m. Monday through Saturday.~~

9. ~~10.~~ The Permittee shall comply with all health and sanitation regulations.

10. ~~11.~~ The permit issued pursuant to this section is a personal privilege and may not be transferred or alienated voluntarily or involuntarily.

11. ~~12.~~ Where exigent circumstances exist and a police officer or other authorized officer or employee of the City gives notice to Permittee to temporarily move from a location, Permittee shall comply with the notice. Exigent circumstances shall include, but not be limited to, unusually heavy pedestrian or vehicular traffic, existence of any obstructions in the public space at or near such location, an accident, fire, or other emergency situation at or near such location, or parade, demonstration, or other such event or occurrence at or near such location.

12. ~~13.~~ Permittee shall not sound or permit the sounding of any signal from any stationery bell, chime, siren, whistle, or device for non-emergency purposes or use or operate any loud speaker, public address system, radio, sound amplifier, or similar device which may be heard beyond 50 feet from its source.

13. ~~14.~~ No advertising shall be permitted on or in the sidewalk café except to identify the product or vendor and shall in all respects comply with the provisions of Titles 22 and 27 of the Lincoln Municipal Code regulating signage.

14. ~~15.~~ Any umbrella, canopy, or similar device within the permit area shall be no more than 6½ feet above ground level.

15. ~~16.~~ The sidewalk café shall be located only in the exact location described in the approved application, and the approved furnishings may not be modified or substituted.

16. ~~17.~~ The Permittee shall at all times maintain public liability insurance in the form of a commercial or comprehensive general liability policy, or an acceptable substitute policy form as permitted by the City Attorney, with a minimum combined single limit of \$500,000 aggregate for any one occurrence, and shall at all times keep on file with the City

Clerk a current certificate of insurance signed by a qualified agent of an insurance company licensed to do business in the State of Nebraska evidencing the existence of valid and effective policies of insurance naming the City as an additional insured for the coverage required above, the limits of each policy, the policy number, the name of the insurer, the effective date and expiration date of each policy, the deductibles or self-insurance retainers of each policy, and a copy of an endorsement placed on each policy requiring 30 days notice by mail to the City Clerk before the insurer may cancel the policy for any reason, and upon request of the City Clerk or the City Attorney, a copy of any endorsements placed on such policies or the declarations page of such policies. Any termination or elapse of such insurance shall automatically revoke this permit.

17. ~~18.~~ This permit shall expire on the 31st day of May following its issuance, but renewal of the permit may be made for one-year periods by application to the City Clerk and payment of the annual permit fee as set forth in Chapter 14.50 and the payment of the rental for the use or occupation of the space computed as follows: \$.25 per annum for each square foot of the permit area (470.40 square feet) for an annual rental of \$117.60; provided, however, said rental may be increased for future years by action of the City Council.

18. ~~19.~~ That within thirty (30) days from the adoption of this resolution, and before commencing any construction under the provisions hereof, the above-named applicant shall execute the letter of acceptance attached hereto and marked as Exhibit "C". Failure to do so will be considered a rejection hereof and all privileges and authorities hereunder granted shall thereupon ipso facto terminate.

Introduced by Annette McRoy

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

SPECIAL PERMIT 1971 - APPLICATION OF VALCOM WIRELESS CORP. TO INSTALL A 143' WIRELESS COMMUNICATIONS FACILITY WITH FIVE CARRIERS, WITH WAIVERS OF THE FALL ZONE AND LANDSCAPING, ON PROPERTY GENERALLY LOCATED SOUTHWEST OF THE INTERSECTION OF HAVELOCK AVE. AND CORNHUSKER HWY. - PRIOR to reading:

WERNER Moved to amend Bill No. 03R-53 in the following manner:

(a) On page 2, line 6, before the semi-colon, insert the following language: by

substituting a 15 foot evergreen or coniferous tree located as shown in a landscape plan approved by the Planning Dept.

Seconded by Friendt & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Werner; NAYS: Svoboda

CLERK Read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-81980 WHEREAS, Valcom Wireless Corporation has submitted an application designated as Special Permit No. 1971 for authority to construct a 143 foot tall tower capable of accommodating five carriers on property located southwest of the intersection of Havelock Avenue and Cornhusker Highway, and legally described to wit:

Lot 80 I.T. and Lot 120 I.T., in the Northeast Quarter of Section 8, Township 10 North, Range 7 East of the 6th P.M., Lincoln, Lancaster County, Nebraska;

WHEREAS, the real property adjacent to the area included within the site plan for this 143 foot tall tower will not be adversely affected; and

WHEREAS, said site plan together with the terms and conditions hereinafter set forth are consistent with the intent and purpose of Title 27 of the Lincoln Municipal Code to promote the public health, safety, and general welfare.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the application of Valcom Wireless Corporation, hereinafter referred to as "Permittee", to construct a 143 foot tall tower, on the property legally described above, be and the same is hereby granted under the provisions of Section 27.63.720 of the Lincoln Municipal Code upon condition that installation of said wireless communication tower be in strict compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. This permit approves:

a. A 143 foot tall tower with pad and ground-based

- equipment cabinets consistent with the site plan submitted for a period of 15 years;
- b. A waiver of the landscaping required by Section 27.68.110(a) of the Design Standards for Zoning; and
 - c. A waiver of the fall zone required by Section 27.68.110(g) of the Lincoln Municipal Code.
2. Before receiving building permits:
 - a. A structural design analysis prepared by a licensed Nebraska engineer must be approved by the City showing structural integrity sufficient for five carriers.
 - b. Provide a surety in an amount sufficient to guarantee the removal of the facility and the restoration of the property to its original condition. The surety shall be held for the duration of the Special Permit.
 - c. The Permittee must submit a revised an acceptable, reproducible final plan including five copies showing the required revisions.
 3. Before operating this personal wireless facility, all development and construction must conform to the approved plans.
 4. The personal wireless service provider shall comply at all times with the current applicable FCC and FAA standards and regulations, and any of those of other agencies of the federal government with authority to regulate towers and antennas.
 5. All privately-owned improvements, including landscaping, are to be permanently maintained by the Permittee.
 6. The site plan approved by this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, locations of parking and circulation elements, and similar matters.
 7. The terms, conditions, and requirements of this resolution shall be binding and obligatory upon the Permittee, its successors, and assigns. The building official shall report violations to the City Council which may revoke the special permit or take such other action as may be necessary to gain compliance.
 8. The Permittee shall, within 10 days of written demand, reimburse the City for all direct and indirect costs and expenses as provided in Section 27.68.090 of the Lincoln Municipal Code, in connection with the issuance and review of this permit.
 9. As a part of this approval, the Permittee agrees that the Permittee, successors and assigns shall, at its sole cost and expense, indemnify and hold harmless the City, its officers, officials, boards, commissions, agents, representatives, and employees against any and all claims, suits, losses, expenses, causes of actions, proceedings, and judgments for damage arising out of, resulting from, or alleged to arise out of or result from the construction, operation, repair, maintenance or removal of the provider's facilities. Indemnified expenses shall include, but not be limited to, all out-of-pocket expenses, such as costs of suit and defense and reasonable attorney fees, and shall also include the reasonable value of any services rendered by the City Attorney's office and any employees of the City and any consultants retained by the City.
 10. The Permittee shall sign and return the City's letter of acceptance to the City Clerk within 30 days following approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The City Clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the Permittee.

Introduced by Annette McRoy

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

AUTHORIZING THE MAYOR TO EXECUTE A MULTI-YEAR CONTRACT WHEN FUNDING COMES FROM MORE THAN ONE FISCAL YEAR C.I.P. BUDGET FOR SALT CREEK BRIDGE REPLACEMENT, WATER MAIN AND SEWER CONSTRUCTION AT WEST A STREET (STATE PROJECT BR-STPC-5220(2) CN 12668; CITY PROJECT 701541) - CLERK read the following resolution, introduced by Coleen Seng, who moved its adoption:
A-81981 WHEREAS, a project to construct a bridge at 3rd and A Streets, and replacement of water main and sewer (State Project BR-STPC-5220(2) CN 12668; City Project 701541) is necessary while the railroad viaduct is under construction at that location; and

WHEREAS, it is desirous to have the phasing of this project occur during one construction season, minimizing disruption to the neighborhood and traveling public; and

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WHEREAS, the current fiscal year 2003 has identified \$500,000 of Railroad Transportation Safety District fund and \$850,000 of Bridge Replacement fund, and remaining funding will be available in the fiscal 2004 C.I.P. budget; and

WHEREAS, Article VII, Section 3 of the Charter of the City of Lincoln provides that no contract involving the expenditure of money from appropriations of more than one year, other than appropriations of borrowed money, shall be valid unless approved by ordinance or resolution of the City Council.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the Department of Public Works has advertised for bids for the construction of the bridge at 3rd and A Streets, and the replacement of water main and sewer (State Project BR-STPC-5220(2) CN 12668; City Project 701541), and the Mayor is authorized to execute a contract or contracts between the City of Lincoln, Nebraska and the lowest responsible bidder or bidders for the projects to be paid from fiscal years 2003 and 2004.

Introduced by Coleen Seng

Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

AMENDING RESOLUTION NO. A-79667 TO REDUCE THE LANDFILL TIPPING FEE FOR REFUSE AND SPECIAL WASTES CHARGED AT THE BLUFF ROAD LANDFILL FROM \$17.00 PER TON TO \$10.00 PER TON; TO REDUCE THE CUBIC YARD FEES IN THE SAME PROPORTION AND TO CHANGE MINIMUM FEES CHARGED AT THE BLUFF ROAD LANDFILL, AS A RESULT OF IMPLEMENTING AN OCCUPATION TAX TO FUND THE CITY'S VARIOUS INTEGRATED SOLID WASTE PROGRAMS - PRIOR to reading:

CAMP Moved to delay action on Bill No. 03R-57 for one week to 3/17/03.

Seconded by Seng & carried by the following vote: YES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

SPECIAL PERMIT NO. 2000 - APPLICATION OF JANET CROSBY FOR AUTHORITY TO SELL ALCOHOLIC BEVERAGES FOR CONSUMPTION ON THE PREMISES, INCLUDING A REQUEST TO WAIVE THE PARKING LOT PAVING REQUIREMENTS, ON PROPERTY GENERALLY LOCATED AT 3235 NORTH 35TH STREET - PRIOR to reading:

WERNER Moved to amend Bill No. 03R-58, and seconded by Seng with "friendly" amendment moved by Werner and seconded by Seng in the following manner:

Page 1, Line 22 add the following: "The parking lot shall be paved in accordance with City parking lot design standards within three years from the approval of this special permit.

The Permittee shall post a bond approved by the Planning Department to guarantee performance."

Seconded by Seng & carried by the following vote: AYES: Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: Camp.

CLERK Read the following resolution, introduced by Coleen Seng, who moved its adoption:

A-81982 WHEREAS, Janet Crosby has submitted an application designated as Special Permit No. 2000 for authority to sell alcoholic beverages for consumption on the premises generally located at 3235 North 35th Street, legally described as:

Lot 4, Delta Regency Addition, Lincoln, Lancaster County, Nebraska; and

WHEREAS, the real property adjacent to the area included within the site plan for this permit to sell alcoholic beverages on the premises will not be adversely affected; and

WHEREAS, said site plan together with the terms and conditions hereinafter set forth are consistent with the intent and purpose of Title 27 of the Lincoln Municipal Code to promote the public health, safety, and general welfare.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the application of Janet Crosby, hereinafter referred to as "Permittee", to sell alcoholic beverages for consumption on the premises on property legally described above be and the same is hereby granted under the provisions of Section 27.63.680 of the Lincoln Municipal Code upon condition that operation of said licensed premises be in strict compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. This permit approves the sale of alcoholic beverages for

consumption on the premises only at 3235 North 35th Street consistent with the site plan submitted where the consumption of alcohol is prohibited within the east 10 feet of the building.

2. ~~Before the sale of alcohol for consumption on the premises, the parking lot shall be paved in compliance with City Design Standards.~~

2. The parking lot shall be paved in accordance with City parking lot design standards within three years from the approval of this special permit. The Permittee shall post a bond approved by the Planning Dept. to guarantee performance.

3. Before the sale of alcohol for consumption on the premises all development and construction must be in conformance with the approved plans.

4. The site plan approved by this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.

5. The terms, conditions, and requirements of this resolution shall be binding and obligatory upon the Permittee, her successors, and assigns. The building official shall report violations to the City Council which may revoke the special permit or take such other action as may be necessary to gain compliance.

6. The Permittee shall sign and return the City's letter of acceptance to the City Clerk within 30 days following approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The City Clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the Permittee.

Introduced by Coleen Seng

Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

SPECIAL PERMIT NO. 2001 - APPLICATION OF FB NORTHSTAR, L.L.C. FOR AUTHORITY TO SELL ALCOHOLIC BEVERAGES FOR CONSUMPTION OFF THE PREMISES ON PROPERTY GENERALLY LOCATED EAST OF THE INTERSECTION OF NORTH 33RD STREET AND NORTH 33RD CIRCLE - CLERK read the following resolution, introduced by Coleen Seng, who moved its adoption:

A-81983 WHEREAS, FB Northstar, L.L.C. has submitted an application designated as Special Permit No. 2001 for authority to sell alcoholic beverages for consumption off the premises generally located east of the intersection of North 33rd Street and North 33rd Circle, legally described as:

A portion of Lot 2, Block 1, Landmark Corporate Center Addition, located in the Northeast Quarter of Section 6, Township 10 North, Range 7 East of the 6th P.M., City of Lincoln, Lancaster County, Nebraska and more particularly described as follows:

Commencing at the northwest corner of said Lot 2; thence on an assumed bearing of south 24 degrees 59 minutes 27 seconds east along a west line of said Lot 2, said line being the east right-of-way line of North 33rd Circle, a distance of 33.00 feet to a west corner of said Lot 2, said point being the true point of beginning; thence north 65 degrees 00 minutes 33 seconds east along a line 33.00 feet south of and parallel with a northwest line of said Lot 2, a distance of 200.91 feet to a point; thence south 30 degrees 53 minutes 49 seconds east along a line 20.00 feet southwest of and parallel with a northeast line of said Lot 2, a distance of 134.43 feet to a point; thence south 42 degrees 44 minutes 47 seconds west, a distance of 244.73 feet to a point of intersection with a southwest line of said Lot 2; thence along a curve in a clockwise direction, having a radius of 950.00 feet, arc length of 190.07 feet delta angle of 11 degrees 27 minutes 48 seconds, a chord bearing of north 35 degrees 34 minutes 51 seconds west along a southwest line of said Lot 2, said line being the east right-of-way line of North 33rd Street, and a chord

length of 189.75 feet to a west corner of said Lot 2; thence north 18 degrees 10 minutes 59 seconds east along a west line of said Lot 2, said line being the east line of said right-of-way, a distance of 54.74 feet to a west corner of said Lot 2; thence north 65 degrees 00 minutes 33 seconds east along a northwest line of said Lot 2, said line being a southeast right-of-way line of North 33rd Circle, a distance of 9.16 feet to the point of beginning, said tract contains a calculated area of 44,358.05 square feet or 1.0183 acres, more or less;

WHEREAS, the real property adjacent to the area included within the site plan for this permit to sell alcoholic beverages for consumption off the premises will not be adversely affected; and

WHEREAS, said site plan together with the terms and conditions hereinafter set forth are consistent with the intent and purpose of Title 27 of the Lincoln Municipal Code to promote the public health, safety, and general welfare.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the application of FB Northstar, L.L.C., hereinafter referred to as "Permittee", to sell alcoholic beverages for consumption off the premises on property legally described above be and the same is hereby granted under the provisions of Section 27.63.685 of the Lincoln Municipal Code upon condition that operation of said licensed premises be in strict compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. This permit approves the sale of alcoholic beverages for consumption off the premises from the convenience store as shown on the site plan.

2. Before receiving building permits:

- a. The Permittee must submit a revised and reproducible final plan with five copies.
- b. The construction plans must conform to the approved plans.

3. The site plan accompanying this permit shall be the basis for all interpretations of setbacks, yards, location of parking and circulation elements, and similar matters.

4. The terms, conditions, and requirements of this resolution shall be binding and obligatory upon the Permittee, its successors, and assigns. The building official shall report violations to the City Council which may revoke the special permit or take such other action as may be necessary to gain compliance.

5. The Permittee shall sign and return the City's letter of acceptance to the City Clerk within 30 days following approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The City Clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the Permittee.

Introduced by Coleen Seng

Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

AUTHORIZING APPROVAL OF A REDEVELOPMENT AGREEMENT UNDER THE NEBRASKA COMMUNITY DEVELOPMENT LAW FOR A DOWNTOWN ENTERTAINMENT CENTER ON A PORTION OF THE CITY BLOCK FROM 11TH TO 12TH AND O TO P STREETS; AUTHORIZING ACQUISITION OF THE NECESSARY PROPERTY FOR THE PROJECT, INCLUDING CONDEMNATION IF NECESSARY; AND APPROVING A TRANSFER OF FUNDS FOR THE RE-ALIGNMENT OF 12TH STREET FROM O TO N STREETS FROM DOWNTOWN REDEVELOPMENT FUND 425 TO STREET CONSTRUCTION FUND PROJECT NO. 541002 - CLERK read the following resolution, introduced by Coleen Seng, who moved its adoption:

A-81984 WHEREAS, the City Council, on October 22, 1984, adopted Resolution No. A-69719 finding an area generally bounded by R Street, 17th Street, H Street, and 7th Street, to be blighted and, on October 19, 1987, adopted Resolution No. A-71701 finding said area to be blighted and substandard as defined in the Nebraska Community Development Law (Neb. Rev. Stat. §18-2101, et seq. as amended) and in need of redevelopment; and

WHEREAS, the City Council has previously adopted the Lincoln Center Redevelopment Plan (Plan) including plans for various redevelopment projects within said area in accordance with the

requirements and procedures of the Nebraska Community Development Law; including specifically by amendment to the Plan by Resolution No. A-80587 (December 11, 2000) providing for the sale, redevelopment and rehabilitation of a Downtown Entertainment Center on Block 41 (Amendment); and

WHEREAS, on November 3, 2000 notice of public hearing was mailed, postage prepaid, to the president or chairperson of the governing body of each county, school district, community college, educational service unit, and natural resource district in which the real property subject to such plan is located and whose property tax receipts would be directly affected and to all registered neighborhood associations located in whole or in part within one mile radius of the area to be redeveloped setting forth the time, date, place, and purpose, of the public hearing to be held on November 15, 2000 before the Lincoln City - Lancaster County Planning Commission regarding the Amendment; and

WHEREAS, said Amendment was submitted to the Lincoln City - Lancaster County Planning Commission for review and recommendation, and said Planning Commission on November 15, 2000 found said request to be in conformance with the Comprehensive Plan and recommended approval thereof; and

WHEREAS, on December 1, 2000 a notice of public hearing was mailed, postage prepaid, to the foregoing governing bodies and registered neighborhood associations setting forth the time, date, place, and purpose of the public hearing before the City Council held on December 11, 2000 regarding the Amendment; and

WHEREAS, on November 24, 2000 and December 1, 2000, a notice of public hearing was published in the Lincoln Journal Star newspaper, setting forth the time, date, place, and purpose of the public hearing held on December 11, 2000 regarding the Amendment; and

WHEREAS, on December 11, 2000 in the City Council Chambers of the County City Building, 555 South 10th Street, Lincoln, Nebraska, the City Council held a public hearing relating to the proposed Amendments and all interested parties were afforded at such public hearing a reasonable opportunity to express their views respecting said proposed Amendments; and

WHEREAS, the City Council after the hearing on December 11, 2000 duly considered all statements made and materials submitted relating to said Amendment and specifically found among other things that the costs and benefits of the Redevelopment Projects, including costs and benefits to other affected political subdivisions, the economy of the community, and the demand for public and private services were in the long-term best interest of the community impacted by the redevelopment projects considering: (a) the tax shifts from the use of Community Improvement Financing as authorized in § 18-2147; (b) the community's public service needs impacts and local tax impacts arising from the approval of the project; (c) impacts on employers and employees of firms locating or expanding within the boundaries of the project area; (d) impacts on other employers and employees in the City and immediate area outside the project area; and (e) other impacts the City Council hereby determines to be relevant to the consideration of costs and benefits arising from the redevelopment project; and

WHEREAS, The City Council directed that the Urban Development Director or his authorized representative to take all steps necessary to implement the provisions of said Amendment; and

WHEREAS, the City as a Community Development Authority under the Community Development Law has the authority to acquire, by the exercise of the power of eminent domain, if necessary, any real property which it may deem necessary for a redevelopment project; and

WHEREAS, the City advertised for and requested redevelopment proposals for the Redevelopment of the Downtown Entertainment Center; and

WHEREAS, in February of 2003 the City received and reviewed, using a selection committee process, the response to the requests selecting Center Associates, LLC (Center) as the redeveloper of record according to the Community Development Law on February 26, 2003; and

WHEREAS, Center and the City have negotiated and are desirous of entering into the attached "Downtown Entertainment Center Redevelopment Agreement."

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

1. That the attached Downtown Entertainment Center Redevelopment Agreement between the City of Lincoln and Center Associates, LLC for the development of the Downtown Entertainment

Center in accordance with the terms and conditions contained in said Agreement, is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

2. The acquisition of certain real property described herein is found and determined to be necessary for the development of a downtown entertainment center as authorized by the Lincoln Center Redevelopment Plan; to wit: A portion of the City block generally located from 11th to 12th and O to P streets, specifically including Lots 9 through 16, Block 41, Original Plat of the City of Lincoln, Lancaster County, Nebraska; including any rights, duties, privileges and obligations necessary or related thereto or arising under existing redevelopment agreements and the Nebraska Community Development Law.

3. The City Attorney is hereby directed to institute eminent domain proceedings for the acquisition of the necessary property in the event that negotiations for the acquisition of the same are not successful as provided by law.

4. The Finance Director is hereby authorized for purposes of the Project to transfer funds in the amount of \$145,000 from the Downtown Redevelopment Fund 425 to Street Construction Fund 541004.

5. Resolution No. A-81261, passed by the City Council on December 10, 2001, is hereby superceded and replaced in its entirety by the provisions of this Resolution.

The City Clerk is directed to return one fully executed copy of the Agreement to Center Associates, 1800 P Street, Lincoln, NE 68508 and on copy to the Urban Development Department.

Introduced by Coleen Seng

Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

ACCEPTING AND APPROVING THE PRELIMINARY PLAT OF G & C ADDITION FOR 15 LOTS AND 1 OUTLOT, WITH WAIVERS OF THE REQUIRED STREET FRONTAGE, STREET PAVING, CURB AND GUTTER, SIDEWALKS, STREET TREES, AND TURNAROUND AT DEAD-END STREETS, ON PROPERTY GENERALLY LOCATED SOUTHWEST OF S. CODDINGTON AVE. AND W. O STREET. (In connection w/03-36) - PRIOR to reading:

SVOBODA Moved to amend Bill No. 03R-50 in the following manner:

1. On page 1, lines 9 and 10 are deleted.
 - (b) On page 1, lines 16 through 18 are deleted.
 - (c) On page 1, line 20, the words "and N" should be deleted, and the word "have" should be deleted and the word "has" should be substituted therefore.
 - (d) On page 2, line 4, after "A", add the following language: "except items 1.1.1 and 1.1.4 are deleted, and items 1.1.3 and 3.3 are modified to delete reference to "N" Street."

Seconded by Camp & carried by the following vote: AYES: Camp, Friendt, McRoy, Svoboda, Werner; NAYS: Cook, Seng.

CLERK Read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-81985 WHEREAS, **Gary and Carolyn Christensen and Delisi Brothers Inc.** have submitted the preliminary plat of **G & C Addition** for acceptance and approval; and

WHEREAS, the Lincoln City - Lancaster County Planning Commission has reviewed said preliminary plat and made recommendations as contained in the letter dated January 9, 2003, which is attached hereto as Exhibit "A";

WHEREAS, Gary and Carolyn Christensen and Delisi Brothers, Inc. have appealed Condition Numbers 1.1.1, 1.1.3, 1.1.4, and 3.3 contained in Exhibit "A";

~~WHEREAS, said appeals of Condition Numbers 1.1.1, 1.1.3, 1.1.4, and 3.3 should be denied.~~

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

1. That the preliminary plat of **G & C Addition**, located southwest of S. Coddington Ave. and West O Street as submitted by **Gary and Carolyn Christensen and Delisi Brothers Inc.** be revised as follows:

~~a. Show the required paving, including curb and gutter, sidewalks and street trees along that portion of the plat adjacent to South Coddington Ave.~~

- ~~b.~~ a. Add Note No. 28 stating that final plats will not approved until West M and N Streets, west of South Coddington Ave., have has been vacated.

- ~~c-~~ b. Revise the landscape plan to show required street trees along South Coddington Ave.

2. That the preliminary plat of **G & C Addition** as revised above is hereby accepted and approved, subject to the terms and conditions set forth in Exhibit "A", except items 1.1.1 and 1.1.4 are deleted, and items 1.1.3 and 3.3 are modified to delete reference to "N" Street which is attached hereto and made a part of this resolution as though fully set forth verbatim.

BE IT FURTHER RESOLVED that the City Council finds that the tract to be subdivided is surrounded by such development or unusual conditions that strict application of the subdivision requirements would result in actual difficulties or substantial hardship and the following modifications to the subdivision requirements are therefore approved:

1. The requirement of § 26.23.140 of the Lincoln Municipal Code that all lots shall front upon a street is waived for Outlot A.

Introduced by Annette McRoy

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

SPECIAL PERMIT 1968 - APPLICATION OF THE CAROL C. KETELHUT IRREVOCABLE TRUST TO DEVELOP PIONEER RIDGE COMMUNITY UNIT PLAN CONSISTING OF 7 SINGLE FAMILY ACREAGES ON PROPERTY GENERALLY LOCATED AT S. 112TH STREET AND PIONEER BLVD. (In connection w/03R-52) - PRIOR to reading:

CAMP Moved to delay P.H. and action on Bill No. 03-51 for one week to 3/17/03.

Seconded by Friendt & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda; NAYS: None; ABSENT: Werner.

ACCEPTING AND APPROVING THE PRELIMINARY PLAT OF PIONEER RIDGE CONSISTING OF 7 LOTS AND 3 OUTLOTS, WITH WAIVERS OF THE REQUIRED STREET TREES, STREET LIGHTING, LANDSCAPE SCREENS, SIDEWALKS AND BLOCK LENGTH, ON PROPERTY GENERALLY LOCATED AT S. 112TH STREET AND PIONEERS BLVD. (In connection w/03R-51) - PRIOR to reading:

CAMP Moved to delay P.H. and action on Bill No. 03R-52 for one week to 3/17/03.

Seconded by Friendt & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda; NAYS: None; ABSENT: Werner.

APPROVING AN ANNEXATION AGREEMENT BETWEEN PINE LAKE DEVELOPMENT L.L.C., STANLEY L. PORTSCHE AND GRACE A. PORTSCHE, MID-AMERICAN UNION CONFERENCE ASSOCIATION OF SEVENTH DAY ADVENTISTS, AND THE CITY OF LINCOLN OUTLINING CERTAIN CONDITIONS AND UNDERSTANDINGS WITH REGARDS TO THE ANNEXATION OF APPROXIMATELY 41 ACRES OF PROPERTY GENERALLY LOCATED WEST OF 84TH STREET AND NORTH OF HIGHWAY 2. (In connection w/03-21, 03-22, 03R-26, 03R-27) PRIOR to reading:

WERNER Moved to delay action on Bill No. 03R-25 for one week to 3/17/03.

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, McRoy, Seng, Werner; NAYS: Friendt, Svoboda.

ACCEPTING AND APPROVING THE PRELIMINARY PLAT OF PINE LAKE PLAZA FOR NINE RESIDENTIAL LOTS, 12 LOTS FOR OFFICE/COMMERCIAL AND THREE OUTLOTS, WITH WAIVERS TO THE REQUIRED INTERSECTION PLATFORMS, NON-RADIAL OR PERPENDICULAR SIDE LOT LINES, RECONSTRUCTION OF PINE LAKE ROAD TO URBAN SECTION, TURNING LANE DEPTH, SEWER SYSTEM RUNNING OPPOSITE STREET GRADES AND DEEPER THAN STANDARDS, SIDEWALKS, MAXIMUM BLOCK LENGTH, AND PEDESTRIAN WAY EASEMENT, ON PROPERTY GENERALLY LOCATED NORTHWEST OF THE INTERSECTION OF SOUTH 84TH STREET AND HIGHWAY 2. (IN connection w/03-21, 03-22, 03R-26, 03R-27) - PRIOR to reading:

WERNER Moved to delay action on Bill No. 03R-26 for one week to 3/17/03.

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, McRoy, Seng, Werner; NAYS: Friendt, Svoboda.

USE PERMIT 145 - APPLICATION OF PINE LAKE DEVELOPMENT L.L.C. TO DEVELOP 192,900 SQUARE FEET OF OFFICE AND COMMERCIAL FLOOR SPACE, WITH A WAIVER OF MINIMUM YARD REQUIREMENTS, ON PROPERTY GENERALLY LOCATED NORTHWEST OF THE INTERSECTION OF SOUTH 84TH STREET AND HIGHWAY 2. (In connection w/03-21, 03-22, 03R-25, 03R-26) PRIOR to reading:

WERNER Moved to delay action on Bill No. 03R-27 for one week to 3/17/03.

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, McRoy, Seng, Werner; NAYS: Friendt, Svoboda.

PETITIONS & COMMUNICATIONS

THE FOLLOWING ITEMS HAVE BEEN REFERRED TO THE PLANNING DEPT.:

- Change of Zone No. 3396 - Application of Design Associates, representing Boyce Construction, Inc. for a change of zone from R-2 to R-4 to construct 32 dwelling units on property located along the west side of 70th Street north of Adams Street.
- Change of Zone No. 3397 - Application of Near South Neighborhood Assn. for a change of zone from R-4 to R-2 to modify the residential aspects of the Franklin Heights Landmark District located at South 27th and South Streets.
- Pre-Existing Special Permit No. 20C - Application of NEBCO, Inc. to replace existing concrete batch facility to height of 85', exceeding the allowable height of 75', on property located at 63rd & Cornhusker Hwy.
- Special Permit No. 2003 - Application of Design Associates, representing Boyce Construction, Inc. to construct 32 dwelling units on property located along the west side of 70th Street north of Adams Street.

REPORTS OF CITY OFFICERS

INVESTMENT OF FUNDS FOR FEBRUARY 24 THROUGH FEBRUARY 28, 2003 - CLERK read the following resolution, introduced by Coleen Seng, who moved its adoption:
A-81986 BE IT HEREBY RESOLVED BY THE CITY COUNCIL of the City of Lincoln, Nebraska:

That the attached list of investments be confirmed and approved, and the City Treasurer is hereby directed to hold said investments until maturity unless otherwise directed by the City Council.

Introduced by Coleen Seng

Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

REQUEST OF PUBLIC WORKS TO SET A PUBLIC HEARING DATE OF MONDAY, MARCH 31, 2003 AT 5:30 P.M. AND PLACE ON THE FORMAL CITY COUNCIL AGENDA THE FOLLOWING:

- 03-41 To provide authority to pave West South Street, SW 23rd to SW 27th Streets; and SW 27th Street from West South Street to West A Streets and assess the cost thereof against the benefitted property.
- 03-42 To provide authority to create a re-paving district, being South Coddington Avenue, West O south approximately 1200 feet more or less and assess the cost thereof against the benefitted property.
- 03-43 To provide authority to grade an open alley, being the east/west alley, North 69th to North 70th Streets, X to Y Streets and assess the cost thereof against the benefitted properties.
- 03-44 To provide authority to gravel an open alley, being the east/west alley, North 69th to North 70th Streets, X & Y Streets and assess the cost thereof against the benefitted properties.

CLERK Requested to set hearing date of Mon., March 31, 2003 at 5:30 p.m. and place on formal City Council Agenda:

WERNER So moved.

Seconded by Friendt & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

REPORT FROM CITY TREASURER OF TELECOMMUNICATIONS OCCUPATION TAXES FOR THE MONTH OF JANUARY, 2003: QWEST COMMUNICATIONS, CORP., ALLTEL SYSTEMS OF THE MIDWEST, INC., ALLTEL NEBRASKA, INC., MCLEOD USA TELECOMMUNICATIONS SERVICES, INC., ACN COMMUNICATION SERVICES, INC., ONSTAR CORPORATION, TRACFONE WIRELESS, INC., VIRGIN MOBILE, USA, GLOBAL CROSSING TELECOMMUNICATIONS, INC., AT&T COMM. OF MIDWEST, INTELICALL OPERATOR SERVICES, PRIMUS TELECOMMUNICATIONS, INC., BROADWING TELECOMMUNICATIONS, TRANS NATIONAL COMMUNICATIONS INT'L., INC., NEBRASKA TECHNOLOGY & TELECOMMUNICATIONS, INC., MCI WORLDCOM NETWORK SERVICE, INC., GUARANTEED PHONE SERVICE, SPRINT SPECTRUM, L.P., SPRINT COMMUNICATION COMPANY LIMITED PARTNERSHIP, NOSVA LIMITED PARTNERSHIP, AFFINITY NETWORK, INC., BIG PLANET, INC., I-LINK COMMUNICATIONS, INC., TOUCH AMERICA, XO LONG DISTANCE SERVICES, INC., TELIGENT SERVICES, INC., AND ALLTEL COMMUNICATIONS OF NEBRASKA, INC.; SHAFFER COMMUNICATIONS, INC., ALYON TECHNOLOGIES, INC., IBM GLOBAL SERVICES-NS DIV., STAR NUMBER, INC., UNITED SYSTEMS ACCESS TELECOM, QUANTUM SHIFT COMMUNICATIONS, BELL ATLANTIC COMMUNICATIONS; FOR THE MONTH OF FEBRUARY, 2003: ATS MOBILE TELEPHONE CO., INC. - CLERK presented said report

which was placed on file in the Office of the City Clerk. (20)

REPORT OF LINCOLN WATER & WASTEWATER RECAPITULATION OF DAILY CASH RECEIPTS FOR THE MONTH OF FEBRUARY, 2003 - CLERK presented said report which was placed on file in the Office of the City Clerk. (8-71)

REPORT OF CITY OF LINCOLN COMPREHENSIVE ANNUAL FINANCIAL REPORT FOR THE FY ENDING AUGUST 31, 2002 - CLERK presented said report which was placed on file in the Office of the City Clerk. (3)

ORDINANCES - 1ST READING

ADOPTING THE SUPPLEMENTS TO THE LINCOLN MUNICIPAL CODE DATED JUNE 2002 AND DECEMBER 2002 AS PART OF THE OFFICIAL LINCOLN MUNICIPAL CODE - CLERK read the following ordinance, introduced by Coleen Seng, adopting the supplements to the Lincoln Municipal Code dated June 2002 and December 2002 as part of the Official Lincoln Municipal Code, the first time.

ORDINANCES - 3RD READING

CHANGE OF ZONE 3386 - APPLICATION OF GARY AND CAROLYN CHRISTENSEN AND DELISI BROTHERS, INC. FOR A CHANGE OF ZONE FROM H-3 HIGHWAY COMMERCIAL TO I-1 INDUSTRIAL ON PROPERTY GENERALLY LOCATED SOUTHWEST OF S. CODDINGTON AVE. AND W. O STREET - CLERK read the following ordinance, introduced by Glenn Friendt, for a Change of Zone 3386, the application of Gary and Carolyn Christensen and Delisi Brothers, Inc. for a Change of Zone from H-3 Highway Commercial to I-1 Industrial on property generally located Southwest of S. Coddington Ave. and W. O Street, the third time.

FRIENDT Moved to pass ordinance as read.
Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.
The ordinance being numbered #18144 is recorded in Ordinance Book No. 25, Page

AMENDING THE CORPORATE LIMITS OF THE CITY BY ANNEXING APPROXIMATELY 7.1 ACRES OF PROPERTY GENERALLY LOCATED AT SOUTH 91ST STREET AND PINE LAKE ROAD. (In connection w/03-24, 03R-33, 03R-34) - PRIOR to reading:

WERNER Moved to delay action on Bill No. 03-23 for one week to 3-17-03.
Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, McRoy, Seng, Werner; NAYS: Friendt, Svoboda.

SVOBODA Moved to accept substitute resolution for Bill No. 03-23.
Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

SENG Moved to act on Bill No. 03-23 on this date.
Seconded by Friendt & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Werner; NAYS: Svoboda.

CLERK Read the following ordinance, introduced by Glenn Friendt, amending the corporate limits of the City by annexing approximately 7.1 acres of property generally located at South 91st Street and Pine Lake Road, the third time.

SVOBODA Moved to pass the substitute ordinance as read.
Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.
The ordinance being numbered #18145 is recorded in Ordinance Book No. 25, Page

AMENDING THE CORPORATE LIMITS OF THE CITY BY ANNEXING APPROXIMATELY 39.9 ACRES OF PROPERTY GENERALLY LOCATED NORTHWEST OF THE INTERSECTION OF SOUTH 84TH STREET AND HIGHWAY 2. (In connection w/03-22, 03R-25, 03R-26, 03R-27) - PRIOR to reading:

WERNER Moved to delay action on Bill No. 03-21 for one week to 3/17/03.
Seconded by Seng & carried by the following vote: AYES: Camp, Cook, McRoy, Seng, Werner; NAYS: Friendt, Svoboda.

CLERK Read the following ordinance, introduced by Coleen Seng, amending the corporate limits of the City by annexing approximately 39.9 acres of property generally located northwest of the intersection of South 84th Street and Highway 2, the third time.

CHANGE OF ZONE 3373 - APPLICATION OF PINE LAKE DEVELOPMENT, L.L.C. FOR A CHANGE OF ZONE FROM AGR AGRICULTURAL RESIDENTIAL TO R-3 RESIDENTIAL AND

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O-3 OFFICE PARK ON PROPERTY GENERALLY LOCATED NORTHWEST OF THE INTERSECTION OF SOUTH 84TH STREET AND HIGHWAY 2.(In connection w/03-21, 03R-25, 03R-26, 03R-27) - PRIOR to reading:

WERNER Moved to delay action on Bill No. 03-21 for one week to 3/17/03.
Seconded by Seng & carried by the following vote: AYES: Camp, Cook, McRoy, Seng, Werner; NAYS: Friendt, Svoboda.

CLERK Read the following ordinance, introduced by Coleen Seng, for Change of Zone 3373, the application of Pine Lake Development, L.L.C. for a Change of Zone from AGR Agricultural Residential to R-3 Residential and O-3 Office Park on property generally located northwest of the intersection of South 84th Street and Highway 2, the third time.

AUTHORIZING AN AGREEMENT BETWEEN THE CITY AND RIDGE DEVELOPMENT CO. AND SOUTHVUE INC. FOR AN EXCHANGE OF THREE CITY OWNED RESIDENTIAL LOTS (LOTS 16, 17, AND 18, OLYMPIC HEIGHTS 1ST ADDITION) FOR A ONE-ACRE OUTLOT (OUTLOT "A", BLOCK 5, HIGHLANDS WEST 1ST ADDITION) - CLERK read the following ordinance, introduced by Glenn Friendt, authorizing an agreement between the City and Ridge Development Co. and Southview Inc. for an exchange of three city owned residential lots (Lots 16, 17, and 18, Olympic Heights 1st Addition) for a one-acre outlot (Outlot "A", Block 5, Highlands West 1st Addition), the third time.

FRIENDT Moved to pass the ordinance as read.
Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

The ordinance being numbered **#18146** is recorded in Ordinance Book No. 25, Page

AMENDING SECTION 12.08.070 OF THE LINCOLN MUNICIPAL CODE TO CHANGE THE REGULAR HOURS PARKS ARE OPEN TO THE PUBLIC FROM 6:00 A.M. TO MIDNIGHT, TO 5:00 A.M. TO 11:00 P.M., AND ESTABLISHING HOURS OF OPERATION FOR PIONEERS PARK AND FOR COMMUTER/RECREATION TRAILS - CLERK read the following ordinance, introduced by Glenn Friendt, amending Section 12.08.070 of the Lincoln Municipal Code to change the regular hours parks are open to the public from 6:00 A.M. to Midnight, to 5:00 A.M. to 11:00 P.M., and establishing hours of operation for Pioneers Park and for commuter/recreation trails, the third time.

FRIENDT Moved to pass the ordinance as read.
Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

The ordinance being numbered **#18147** is recorded in Ordinance Book No. 25, Page

MISCELLANEOUS BUSINESS

PENDING -

CAMP Moved to extend the Pending List to March 17, 2003.
Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

UPCOMING RESOLUTIONS -

CAMP Moved to approve the resolutions to have Public Hearing on March 17, 2003.
Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

ADJOURNMENT

6:05 P.M.

CAMP Moved to adjourn the City Council meeting of March 10, 2003.
Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.
So ordered.

Joan Ross, City Clerk

Glenna Graupmann, Senior Office Assistant

